

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK A. WHITE, and) 8:13CV62
JACQUELYNE A. SERRATO,)
)
Plaintiffs,)
)
v.)
)
AMERICAN CORRECTIONAL)
ASSOCIATION, et al.,)
)
Defendants.)

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff Patrick White's ("Plaintiff") Motion for Leave to Proceed in Forma Pauperis. (Filing No. [9](#).) As set forth in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot:

[B]ring a civil action [in forma pauperis] . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\).](#)

The following three cases brought by Plaintiff were dismissed because they were frivolous: *White v. State of Texas, et al.*, Case No. 5:10CV83 (W.D. Tex.), dismissed as frivolous on March 31, 2010; *White v. Texas Dep't of Criminal Justice, et al.*, Case No. 4:10CV1625 (S.D. Tex.), dismissed as frivolous, malicious, and for failure to state a claim on May 11, 2010; and *White v. Garcia, et al.*, 2:10CV137 (N.D. Tex.), dismissed as frivolous on August 12, 2010.

On the court's own motion, Plaintiff has 30 days from the date of this Memorandum and Order to show cause why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. § 1915\(g\)](#). Alternatively, Plaintiff may pay the court's \$400.00 filing and administrative fees within 30 days. In the absence of good cause shown or the payment of the court's fees, Plaintiff's Complaint and this matter will be dismissed without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed in Forma Pauperis (filing no. [9](#)) is denied. Plaintiff has 30 days from the date of this Memorandum and Order to either show cause why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. § 1915\(g\)](#) or pay the \$400.00 filing and administrative fees. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.
2. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: September 1, 2013: Deadline for Plaintiff to show cause or pay fees.

DATED this 31st day of July, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.